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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,062	08/01/2003	Christopher J. Dyl	19815-015001	3611

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EXAMINER
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EPSHTEYN, ALEXANDER

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/633,062

Applicant(s)

DYL, CHRISTOPHER J.

Examiner

Alex Epshteyn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

The objection to the abstract in the office action of 6/16/2006 is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, 11-17, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al. (US Patent 6,253,167).

In regards to claims 1, 6, and 13, Matsuda teaches of a method to play an online game that includes hosting for transmission content designated as goal-activated-content and transmitting the goal-activated content upon a client request (4: 30-44). Matsuda further teaches of instructing the client to delete goal activated content stored on the client, wherein the step of deleting the goal-activated content is achieved by substituting a new data parameter in a goal-activated content field, thereby deleting previous records of goal-activated content (12: 5-10).

In regards to claims 2, 11, 12, 14, and 15, Matsuda teaches of transmitting the goal-activated content to the client responsive to a determination that a player associated with the client has fulfilled a goal (3: 29-41).

In regards to claims 3, 8, and 16, Matsuda teaches of receiving a history profile from the client (11: 15-43), where the history profile includes information of the players

character so that when a predetermined condition occurs, the player character is updated according to a correct updated character aspect. Matsuda also teaches of maintaining a history profile of content received from the server where the history profile includes information of the players' character and also the current data parameters tied to the character (11: 15-43)

In regards to claims 4, 7, 9, and 17 Matsuda teaches of deleting goal-activated content stored on the client in accordance with the history where the step of deleting the goal-activated content is achieved by substituting a new data parameter in a goal-activated content field, thereby deleting previous records of goal-activated content (12: 5-10).

In regards to claim 20, Matsuda teaches of a computer based gaming apparatus comprising a memory element storing goal-activated data, a transceiver receiving a connection request from a remote client on the network, a processor determining that the goal-activated content is to be transmitted to the client, the transceiver transmitting the goal-activated content, and the transceiver transmitting a deletion instruction to the client (figure 3).

In regards to claim 21, Matsuda teaches of controlling access to content by clients in a multiplayer game comprising maintaining a state for each of the one or more players in the multiplayer game (3: 22-24), storing content for distribution to clients associated with the players in the game including storing content in association with each of a plurality of states that can be reached by at least some of the players (4: 33-

Art Unit: 3714

45), and controlling access by a first client if a first state has occurred and restricting the content if the player has not reached a first state (4: 39-41).

In regards to claim 22, the state for a player comprises a fulfillment of a goal in the game, where the goal in the game of Matsuda involves a user generated event such as the feeding of a virtual character or other such events (9: 14-27).

In regards to claim 23, the game of Matsuda determines if a player has reached a first state comprising determining whether the player has met a goal requirement associated with the first state, where the goal requirements are achieved by user generated events (9: 14-27).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 10, 18, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda.

In regards to claim 5, while Matsuda does not teach of encrypting the goal-activated content prior to transmission to the client, it is widely known to one skilled in the art at the time the invention was made that data packets used for transmission in a networked environment are encrypted prior to transmission to protect the data and to also ensure that the proper client machine receives the correct data packets. Thus, it would be obvious for one skilled in the art at the time the invention was made to encrypt the data used in Matsuda.

In regards to claims 10, 18, and 19, while Matsuda does not explicitly teach of a instruction from the server to the client to delete all goal-activated content, it would be obvious for one skilled in the art to incorporate such a command into the gaming system of Matsuda. Such a command is commonly known in the art by initialization or restarting of a game. Thus, if a player in the game of Matsuda wishes to restart the entire game, the data fields accumulated would have to be initialized to the original values and would thus all goal-activated content would be deleted and replaced with the original game parameters.

### ***Response to Arguments***

Applicant's arguments filed 12/14/2006 have been fully considered but they are not persuasive.

With regards to the contention that Matsuda does not teach of instructing the deletion of goal-activated content upon receiving the goal activated content, the Examiner disagrees. The Examiner refers to the growth parameter as the goal activated content and once the client has received the updated growth parameter, the

growth parameter is thus updated at the client computer. It is inherent to any computing system that the step of updating a parameter involves deleting the previous parameter and subsisting in the new data parameter. Thus, it is inherent in the invention of Matsuda that the computer code, which substitutes the new data parameter for the previous data parameter deletes the previously held goal-activated content.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Epshteyn whose telephone number is 571-272-5561. The examiner can normally be reached on M-F 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AE



Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714